

**REMARKS**

**Summary Of Office Action**

Claims 1-24 are pending in this application. In the Office Action, the Examiner objected to Figs. 1 and 2 "because the boxes in the drawing[s] need to be labeled." The Examiner also rejected claims 1-15 and 17-24 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,600,248 to Westrom et al. (hereinafter "Westrom"); and rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Westrom in view of U.S. Patent No. 6,476,951 to White (hereinafter "White").

**Summary of Applicant's Reply**

By this Amendment, Applicant has amended Figures 1 and 2 to obviate the objections to the Figures 1 and 2. In view of the Amendments and foregoing remarks, Applicant respectfully requests the reexamination and timely allowance of the pending claims.

**Drawing Objections**

In the Office Action, the Examiner objected to Figures 1 and 2 "because the boxes in the drawing[s] need to be labeled." By this Amendment, Applicant has amended Figures 1 and 2 to obviate this objection. Applicant has amended the Figures as follows:

Figure 1: Applicant has added the label "First Measuring Device" above corresponding numerical reference 110, and added label "Second Measuring Device" above corresponding numerical reference 120. In addition, Applicant has enlarged the figure. Applicant submits that these amendments do not introduce new matter, as support for these labels may be found throughout the specification, including at page 5, line 21, and page 6, line 8.

Figure 2: Applicant has added the label “Sampling Device” inside box 210, the label “Probe” inside box 212 (increasing the size of box 212 in order to fit the label inside), the label “Modem” inside box 214 (increasing the size of box 214 in order to fit the label inside), the label “Display Unit” inside box 218, and the label “Node” inside box 220. In addition, Applicant has enlarged the figure and formatted it to fit within the applicable margins. Applicant submits that these amendments do not introduce new matter, as support for these labels may be found throughout the specification, including at page 6, lines 16-23.

Rejections under 35 U.S.C. § 102(b)

The rejections of claims 1- 15, and 17- 24 as unpatentable under 35 U.S.C. § 102 are respectfully traversed, since the Examiner has not made a *prima facie* case of anticipation. In order to anticipate Applicant’s claimed invention under 35 U.S.C. § 102(e), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” See M.P.E.P. § 2131(8<sup>th</sup> Ed. Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236 (Fed. Cir. 1989). Finally, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131 (8<sup>th</sup> Ed. 2001). Applicant submits that these requirements have not been met for at least the following reasons.

Independent claim 1 recites a combination including, “obtaining a first signal sample at a first location in the network,” and “obtaining a second signal sample at a second location in the network.” The Examiner asserted that Westrom discloses these elements, but a closer analysis of Westrom shows this not to be the case. The Westrom system works as follows:

A set of 4,000 to 5,000 data points will be sampled and stored in the random-access memory, and the controller will calculate the

time to the reflection from the end of the cable. By utilizing this reflection time and the known length of the cable, the controller can determine the velocity of propagation  $V_p$  in the cable. Col. 8, lines 17-23.

Figure 1 of Westrom however shows that the system only samples the pulse at a single point (point A). In contrast, independent claim 1 recites “obtaining a first signal sample at a first location in the network,” and “obtaining a second signal sample at a second location in the network.” Accordingly, the Examiner has failed to set forth a *prima facie* case of anticipation. Furthermore, claims 2-13, 21, and 23 are also allowable by virtue of their dependence from allowable claim 1.

Independent claim 14 recites a combination including “means for obtaining a first signal sample at a first location in the network,” and “means for obtaining a second signal sample at a second location in the network.” As discussed above, with reference to claim 1, Westrom samples the pulse at only a single location, point A. Accordingly, the Examiner has failed to set forth a *prima facie* case of anticipation, and claim 14 is allowable. Furthermore, claims 15, 17-20, 22, and 24 are also allowable by virtue of their dependence from allowable claim 14.

Rejection under 35 U.S.C. § 103(a)

The rejection of claim 16 as unpatentable under 35 U.S.C. § 103(a) is respectfully traversed, since a *prima facie* case of obviousness has not been made by the Examiner. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or in combination, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention.

Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” (See M.P.E.P. § 2143 (8<sup>th</sup> Ed. 2001)). Applicant submits that these requirements have not been met for at least the following reasons.

Claim 16 recites, by virtue of its dependence from independent claim 14, a combination including, “means for obtaining a first signal sample at a first location in the network,” and “means for obtaining a second signal sample at a second location in the network.” As discussed with reference to claim 14 above, Westrom does not disclose or suggest at least a “means for obtaining a first signal sample at a first location in the network,” and a “means for obtaining a second signal sample at a second location in the network.”

White fails to cure the deficiencies of Westrom. White does not disclose, nor even suggest, estimating a location of an injection point of foreign signals in a network. Furthermore, White, like Westrom, does not disclose or suggest “means for obtaining a first signal sample at a first location in the network,” and “means for obtaining a second signal sample at a second location in the network.”

Therefore, as no combination of Westrom and White disclose or suggest claim 16, Applicant respectfully submits that the Examiner has failed to set forth a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests allowance of claim 16.

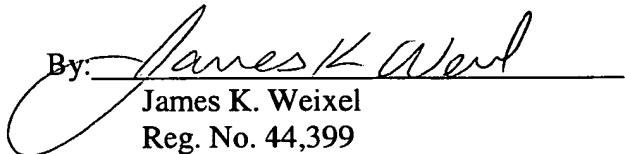
**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 07-2339.

Respectfully submitted,

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